

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 2, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Huskey.

Jeff McKean, Marc Carmichael, Chip Garver, Brad Klopfenstein, Trevor Vance, and Murray Clark were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the November 18, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the December 2, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR46-06543 1103-05, INC. – Commissioner Guthrie stated the renewal of this permit is currently under appeal. The permittee and the remonstrators have reached an agreement and the remonstrators have withdrawn their opposition.

Vice Chairman Johnson moved to accept the Agreement and remand this renewal to the local board. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred nine (309) renewals approved, fifty-five (55) new and/or transfer permits approved, four (4) permits approved for catering, three (3) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR50-25317 & RR50-25318 MI CAMINO REAL, LLC – Chairman Heath noted this is a new type 103 and new type 210-1 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated when the Excise officer attempted to do the final inspection for this establishment, it was discovered that there was an operational church inside the premises. The Commission has been assured that the church was not aware there was a problem and has moved from the premises.

Commissioner Guthrie moved to overturn the local board and approve the new permits, pending inspection by Excise. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-25086 TARGET CORPORATION – Chairman Heath noted this is a new type 208-3 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-23917 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit, because there was evidence in the record showing there was no need or

desire by the community for this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL52-25089 MANN PETROLEUM, INC., D/B/A MARATHON FOOD MART – Chairman Heath noted this is a new type 104 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR09-25467 CITY OF LOGANSPOUT PARKS & RECREATION BOARD – Chairman Heath noted this is a new type 112 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make sixteen (16) permits inactive. Four (4) permits are not subject to auction and twelve (12) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL82-02583 WHITEHEAD ENTERPRISES, INC. – Commissioner Guthrie moved to reactivate this permit and allow a transfer of location to be filed. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER